

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

In the Matter of )  
 )  
 Reallocation of Television Channels ) ET Docket No. 97-157  
 60-69, the 746-806 MHz Band )  
 )

To: The Commission

**COMMENTS**

KSL Television ("KSL") hereby submits its Comments with respect to the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding. KSL operates KSL-TV, Salt Lake City, Utah, a full-service television facility, and K69EW, a television translator station serving Beaver County, Utah. KSL-TV's signal is retransmitted over a total of 122 translators and 141 cable head-ends located throughout the Salt Lake City Area of Dominant Influence ("ADI"), many of which are over 300 miles from the station's primary transmitter. KSL-TV's intricate translator network often provides the only local television programming available to rural areas surrounding Salt Lake City. Many of the translators in the network are operated by local governments at the request and expense of local residents.

In the *NPRM*, the Commission proposes to expand usage of the existing television band at 746-806 MHz to include television, public safety and other land mobile applications.

It is KSL's belief, however, that the Commission's proposal will adversely affect public safety and will endanger the delivery of local television service to much of rural America during the DTV conversion process.

### Emergency Information

As the Commission is well aware, rural communities rely heavily on television translator and low power service for news, weather, and Emergency Alert information. In other words, translator and low power services in effect are primary local television services to rural communities which cannot support full-service facilities. Indeed, in a joint letter the Governor and the Director of Public Safety of the State of Utah specifically asked Utah's congressional delegation to protect the State's translator service and thereby avoid the potentially devastating impact that the loss of translator signals would have on public safety in rural areas (see attached). Much of the State's translator relay system, which is included in the State Emergency Response Plan and has been accepted by the FCC as part of the Emergency Alert System (EAS), is based on translator coverage currently in place. Moreover, cable television systems rely on the translator network for their emergency program material. Hence, since there is no EAS obligation on television satellite licensees (the other principal distributors of television programming in these areas), no local EAS information would be available to television viewers in rural communities unless the existing translator network is preserved. The Commission's reallocation proposal seriously jeopardizes this network.

KSL agrees with the Commission's statement that "[p]ublic safety services are essential to the well-being of the American public...Radio-based communications allow public safety agencies to pass information quickly, coordinate their efforts, and warn of impending danger."<sup>1</sup> The recently implemented EAS continues to provide that information

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<sup>1</sup> Notice of Proposed Rule Making, ET Docket 97-157, FCC 97-245 at ¶ 8.

directly to the television-viewing public, and is utilized by many agencies to coordinate their efforts and warn the public of emergency situations. KSL believes that such communications are at least as important as two-way radio systems that are used to communicate on an inter-agency basis. To that end, KSL at a minimum urges the Commission to exempt from displacement any television translator or low power station which is part of a State Emergency Plan and designated as a State Primary Relay. Further, such State Primary Relay stations should be protected against harmful interference from any other source.

The Commission cites a study by the Public Safety Wireless Advisory Committee (“PSWAC”) to justify the proposed spectrum reallocation for public safety services. KSL suggests that the PSWAC report supports a need for more spectrum only when applied to *major population centers with high RF congestion*. The report addressed 21 major markets as being negatively impacted by the current Public Safety frequency allocation.<sup>2</sup> It is significant to note that each of these 21 markets in the study employ, on average, only 7% of the total number of translators that ordinarily would be required to serve a rural area. Moreover, not only does rural America not need the additional frequencies for public safety use proposed by this *NPRM*, but most counties could not bear the financial burden of increasing their dispatch centers, manpower and equipment budgets sufficiently to take advantage of the increased spectrum. Accordingly, the study’s conclusions about the need for additional public safety spectrum cannot be sensibly applied to rural communities.

KSL thus urges the Commission to forego its proposed general approach to spectrum reallocation in favor of a more market-specific approach that accounts for situations where

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<sup>2</sup> Public Safety Wireless Advisory Committee Report, page 6, ¶ 1.7.

the public's need for local broadcasting service via translator or low power facilities is far greater than the need for additional spectrum allocations for other services. Specifically, in lieu of an across-the-board reallocation of spectrum for public safety uses, KSL requests that the Commission adopt rules that allow public safety organizations to petition for additional spectrum by demonstrating a particularized need for the spectrum and the financial ability to utilize it. Such petitions should be subject to a public notice period during which countervailing opinions can be heard. Through this process, the Commission will be able to assign additional public safety spectrum where it is truly needed while still preserving access to local television service in rural parts of the country.

#### DTV Issues

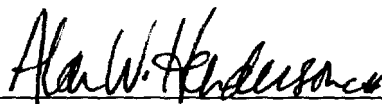
In the alternative, should the Commission decide to go forward with its reallocation proposal, KSL requests that the Commission delay the auction and reallocation of the subject frequencies until the end of the DTV transition period, when the overall impact of the decision can be fully analyzed and need-based rules can be established. Because the DTV proceeding fails to preserve or protect existing LPTV and TV translator stations, broadcasters with large rural populations face the possibility that LPTV and TV translator channels may be displaced, thereby making it impossible to provide a seamless transition from analog to digital in many rural communities. Whether the existing analog translator service can be replicated by digital service at all, even with channels 60-69, is unknown; but without those additional channels rural America may have to switch to digital all at once, making such replication virtually impossible. A study conducted by the Society of Broadcast Engineers in cooperation with the National Translator Association indicates that as many as 141 translators could be displaced or negatively impacted. Further, it is

estimated that rural counties would have to spend upwards of \$4,520,000 to implement the necessary changes simply to maintain their existing analog service. An amount triple to that would have to be spent after factoring in digital conversion costs, assuming that spectrum could be found to accomplish replication of service. The Commission has not as yet made any determinations — or initiated any proceedings — to address the conversion of translators and LPTVs to digital operations. The Commission should not prejudge the outcome of such proceedings by a wholesale reallocation now of these channels.

Finally, should the Commission allow the displacement of translator and low power services in the course of spectrum reallocation, KSL urges the Commission to adopt rules protecting incumbent licensees from undue hardship associated with such displacement by requiring compensation from new licensees. Those licensees servicing rural areas are among those least able to afford the replacement cost of new equipment in order to serve their populations. Moreover, such rules would be consistent with Commission rules adopted in like situations, such as the auctioning of spectrum in the 1.9 GHz range where the displaced service received remuneration from the new licensee to compensate for the cost of displacement.

WHEREFORE, for the reasons set forth above, KSL Television requests that the Commission reevaluate its proposed reallocation of spectrum as proposed herein.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alan W. Henderson", is written over a horizontal line.

Alan W. Henderson, President KSL Group  
Steven Lindsley, Vice President/General Manager,  
KSL Television  
Gregory James, Vice President, Engineering-  
Operations, KSL Television

KSL Television  
55 North 300 West  
Salt Lake City, Utah 84112

September 15, 1997



MICHAEL O. LEAVITT  
GOVERNOR

STATE OF UTAH  
OFFICE OF THE GOVERNOR  
SALT LAKE CITY  
80116-0801

GENE E. WALKER  
LIEUTENANT GOVERNOR

May 14, 1997

Senator Orrin Hatch  
United States Senate  
Washington, D.C. 20510

Dear Senator Hatch:

We are writing to alert you to a potentially very serious public policy and political issue which is looming on the horizon. The FCC's recently adopted plan for digital television (DTV), if implemented as proposed, could result in a complete loss of both public and commercial broadcast television to much of rural Utah. This issue is not yet understood by the public, but likely will be shortly and we need your help to address it.

By way of background, the FCC has adopted a plan to phase in DTV for existing full power TV stations by the year 2006. It is entirely possible that much of rural Utah could not only lose their existing TV service, but be unable to participate in the development of the new DTV service. As you know, rural Utah receives its TV from an extensive network of translator stations. Unfortunately, the FCC has called for the immediate auction of channels 60 through 69, many of which are essential to the service to rural Utah and other states. During the transition from the current system to DTV all existing television channels (2-69) will be needed if rural viewers are to continue to be served.

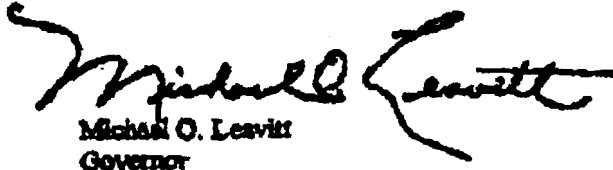
While the FCC has made provision to preserve free, over-the-air local broadcast reception to residents of urban areas, very little consideration has been given to preserving service to rural America. By the FCC's own calculations, 17 percent of the existing 6,000 translators in the country will be displaced by the new DTV stations! We are convinced the number is much higher.


The State of Utah supports the FCC's plan for phasing in DTV throughout the country. Furthermore, we are aware of the public safety need for additional spectrum (as evidenced by the *Public Safety Wireless Advisory Committee Report* of September 1996). We believe a cooperative approach adopted on a state basis provides the necessary flexibility to accommodate and establish the priorities of both Public Safety and statewide TV transmission.

Residents in 26 counties in Utah rely on TV translators to provide television to their homes. These signals are their primary source for local broadcast programming. Local governing bodies are the licensees of most TV translators in Utah. Providing alternative signals for those translators located on channels 60 through 69 will be very expensive and will require a great deal of time. Furthermore, the translator network is designated by the federal government as the state relay for the new Emergency Alert System through the FCC.

If the problems we've just outlined are to be avoided, it is essential that the FCC be required to make a comprehensive study and to provide an adequate DTV transition plan which does not result in the loss of television service to rural America. We request your assistance, together with that of the rest of the Utah delegation, in making this request of the FCC.

Sincerely,

  
Michael O. Leavitt  
Governor

  
Craig Dearden, Commissioner  
Public Safety